

**REMARKS**

In the Restriction Requirement mailed March 19, 2007, the Examiner asserts that the application contains claims directed to the following patentably distinct species: species of vascular indication and species for TGF-beta elevation. In response to the election of species, Applicant provisionally elects, with traverse, the specie cardiovascular indication and the specie idoxifene. Applicant believes claims 153-173 read on each of the elected species.

The requirement to elect a single disclosed species is traversed on the basis that the species have a disclosed relationship. That is, the specification discloses that TGF-beta elevating agents may be employed to prevent or treat a variety of vascular indications. Therefore, withdrawal of the election of species requirement is respectfully requested.

**RESPONSE TO RESTRICTION REQUIREMENT**

Serial Number: 10/729,056

Filing Date: December 5, 2003

Title: PREVENTION AND TREATMENT OF CARDIOVASCULAR PATHOLOGIES WITH TAMOXIFEN ANALOGUES

Page 6  
Dkt: 295.009US4

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6959 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

DAVID J. GRAINGER ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6959

Date

May 21, 2007

By

Janet E. Embretson  
Reg. No. 79,605

**CERTIFICATE UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 21<sup>st</sup> day of May 2007.

Name:

Dawn M. Burke

Signature:

Dawn M. Burke